

which the article was intended and for which it was offered orally by the consignee to prospective purchasers.

DISPOSITION: 9-12-58. Default—destruction.

5405. Oza Compound. (F. D. C. No. 39849. S. No. 59-960 M.)

QUANTITY: 15 cases, 4 1-gal. jugs each, at Tampico, Ill.

SHIPPED: 11-28-56, from Fort Wayne, Ind., by Oza Compound Products.

LABEL IN PART: (Jug) "OZA * * * Formula: Active Ingredients: Alum, Oak Bark, Rosin, Sodium Benzoate Oza Compound * * * Use as a general tonic * * * Directions: Children, up to 5 years, 1 tablespoonful, 5 to 10 years, 2 tablespoonsful, 10 to 15 years, 3 tablespoonsful. Adults, 4 tablespoonsful, after each meal."

LIBELED: 1-29-57, N. Dist. Ill.

CHARGE: 502 (a)—when shipped, the label of the article bore the statement "Use as a general tonic," which statement was false and misleading since the article was not a tonic; and 502 (f) (1)—the labeling of the article failed to bear adequate directions for use for the purposes for which it was intended, and, because of its unscientific formula, it was not feasible to devise directions under which the layman could use the article to accomplish the purposes for which it was intended.

DISPOSITION: Willard Smith, t/a Oza Compound Products, appeared as claimant; and, on 3-15-57, upon stipulation of the parties, an order was entered directing that the case be transferred to the Southern District of Indiana. Interrogatories were served upon, and answered by, the claimant.

On 5-8-58, a consent decree of condemnation was entered; and, on 5-14-58, the article was ordered destroyed.

5406. Ovacide. (F. D. C. No. 40221. S. No. 66-334 M.)

QUANTITY: 17 6-oz. jars and 2 12-oz. jars and 1 drum containing 20 lbs. at Oakland, Calif.

SHIPPED: 2-22-56, from Portland, Oreg.

LABEL IN PART: (Jar) "Ovacide * * * Antiseptic Powder."

LIBELED: 5-24-57, N. Dist. Calif.

CHARGE: 502 (a)—while held for sale, the name "Ovacide" and certain statements on the jar label represented and suggested that the article was antiseptic under conditions of use and was an adequate and effective treatment for all vaginal infections and inflamed catarrhal conditions of the mucous membranes, which name and statements were false and misleading since the article was not antiseptic under conditions of use and was not an adequate and effective treatment for the conditions represented; and 502 (f) (1)—the labeling of the article failed to bear adequate directions for use since the directions failed to specify that the article should not be used more than twice weekly for cleansing purposes only, unless otherwise directed by a physician.

DISPOSITION: 6-11-57. Default—destruction.

5407. Head harness device. (F. D. C. No. 40214. S. No. 72-962 M.)

QUANTITY: 15 devices at Salt Lake City, Utah.

SHIPPED: 3-27-57, from Idaho Falls, Idaho, by Clifford Thiede.